



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

FEB 8 2001

Mr. Jeffrey R. Brester
Kawasaki Motors Manufacturing Corp. U.S.A.
6600 N.W. 27th Street
Lincoln, NE 68524

Ref. No. 01-0022

Dear Mr. Brester:

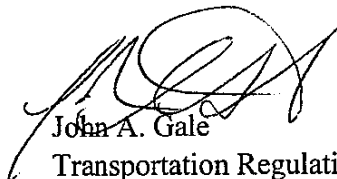
This responds to your January 22, 2001 letter requesting clarification on requirements for vehicles containing non-spillable batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your question is paraphrased and answered as follows:

Question: Is an all terrain vehicle excepted from the HMR if the fuel system is free from all flammable fuel and vapors, and its non-spillable battery has passed the requirements of § 173.159(1), (2), and (3)?

Answer: Yes. If your vehicle's engine does not contain any trace of flammable liquid or vapors, and the battery has met the requirements of § 173.159(1), (2), and (3), it is excepted from all other regulations in the HMR.

I hope this satisfies your request. If this Office can be of any further assistance, please contact us.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



010022

Nelson
§173.159(d)(1)(2)(3)
i) ii)
Batteries
01-0022

Dear Mr. Delmer F. Billings:

On 1/19/01 I talked with one of your staff (Jeffrey Furr) about an interpretation of a regulation in the HMR 49 CFR. What our situation is that we are shipping out a complete ATV with a nonspillable sealed battery. The fuel tank has never contained any fuel. We use a dummy tank for testing the engine, after the engine is tested the carb and fuel lines are vacuumed out to remove any of the remaining fuel and vapors. By doing this we meet the requirements in 173.220(a)(1), thus considering the engine as empty. The battery has met the requirements in 173.159(d)(1)(2)(3)(i)(ii). The battery is marked as a nonspillable battery that is completely guarded against the possibility of short circuits by having the terminal ends covered and has passed the vibration and pressure differential test by a outside independent lab. By meeting all these requirements Mr. Furr said that we did not need to classify either items (Vehicle, flammable liquid powered, 9, UN3166 or Batteries, wet, non-spillable, 8, UN2800, PGIII). In your opinion is this the correct interpretation of your regulations. I have been the Haz-Mat director for less than a year, so I do not have a lot of experience interpreting these regulation. Your help with this matter will be greatly appreciated. If you have any questions you can call me at (402) 476-6600 ext.345 or fax at (402) 476-6182. If you could address this matter as soon as possible, we start production of this model in mid February and I want to be in full compliance with the regulations before we start to ship these units out to the dealers.

Thank you for your time.

Sincerely,

Jeffrey R Brester
Kawasaki Motors
Haz-Mat Director